THE HONOUABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.22096 of 2006

Between:

M/s.K.V.Narsaiah Supervisory Agency. **.. PETITIONER**

and

The District Educational Officer
And District Project Co-ordinator,
Project Office,
Nalgonda District and others.

.. RESPONDENTS

ORDER:

This writ petition is filed seeking Writ of Mandamus to declare the Notification, dated 05-10-2006, issued by the 1st respondent in excluding the Supervisory Agencies from applying for allotment of works under Sarva Siksha Abhiyan Programme in Nalgonda District, as illegal and arbitrary.

In the Primary Education, the works are taken up under Sarva Siksha Abhiyan Programme for construction of additional classrooms and toilets to the Schools. Earlier, a decision was taken to entrust the said civil works to the Architect/Engineering Firms or Agencies on contract basis.

It is the case of the petitioner that though it had successfully undertaken several works under the scheme, this time, Notification is issued inviting applications from the individuals of Diploma or Degree Holders in Civil Engineering and the same is illegal and arbitrary.

In the counter affidavit filed by the respondents it is stated that if the Agencies are entrusted with the supervisory contract work, the works are getting delayed because sufficient number of Engineers are not engaged by the said agencies. It is further stated that the agencies are simply recording the measurements in the measurement book only for drawing 2% remuneration as per agreement acting to its benefit ignoring the object of the works. It is also stated that even after lapse of four years, 120 of such works were not reached upto the final stage. In the public interest and to appoint individuals, the present Notification is issued for execution by the School committees concerned only under the supervision of site Engineers engaged as per the impugned Notification.

In the absence of any priority to an agency, it is not open for the petitioner that only agency should be considered. When the works were entrusted to the Agencies in the earlier occasion, it has been found that the works are delayed on account of non-appointing sufficient Engineers to attend the entrusted works.

In that view of the matter, the decision is being taken to entrust the works for supervision on contract basis by appointing qualified Engineers and Diploma Holders, which appears to be reasonable decision in the public interest.

Merely because, the earlier practice of giving to agencies is dispensed with, it cannot be said that the said decision is either arbitrary or illegal, so as to call for interference by this Court under Article 226 of the Constitution of India. Therefore, the writ petition is devoid of merit and the same is liable to be dismissed.

The writ petition is, accordingly, dismissed. There shall be no order as to costs.

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11-12-2006

Prv